

REMARKS/ARGUMENTS

Independent claim 1 has been amended to overcome the points of indefiniteness noted by the Examiner. In particular, claim 1 is amended by specifying more particularly what is meant by the terms “non-circular cross section” (basis: see sections [0035] and [0045] of the published US application 2008/0032579), “low fiber titer” (basis: section [0020]), “preferred directions” (basis: section [0055]), “low weight per unit area” (basis: section [0044]), “high optical opacity” (basis: section [0037]) and “high physical opacity” (basis: section [0042]). These amendments are believed to overcome the various 112 rejections.

For the objected term “low penetration of adhesive” in claim 11, the claim has been amended to specify that the adhesive has penetrated into the fleece without going through it. Support for this recitation is found at paragraph [0056].

Novelty of the claimed invention

The spunbond fleece of amended claim 1 is characterized – *inter alia* – by a low weight per unit area between 7 g/m² and 20 g/m². This feature was contained in originally filed subclaim 6 which was not objected to as lacking novelty. As this feature is now in claim 1 this claim must be regarded as novel.

Non-obviousness of the claimed invention

The spunbond fleece of the amended claim 1 is characterized by a combination of several properties. Besides the very low weight per unit area, high optical opacity and/or high physical opacity are present.

The composite sheet material of D1 has considerably higher unit area weights of from 60 to 140 g/m² (D1, p. 4, section [0033]). This composite sheet material of D1 comprises a non-woven substrate and an extrusion coated polyolefin layer overlaying one surface of the substrate (D1, claim 1). There are no general ranges for unit area weight for the non-woven substrate given in the specification of D1. However, from the examples of D1 it is evident that non-wovens with high unit area weights of about 60 g/m² or higher are used (see D1, table 3 on p. 5). Thus there is no disclosure in D1 of a spunbond fleece having the low unit area weights combined with the

Appl. No.: 10/599,721
Amdt. dated December 1, 2009
Reply to Office Action of August 31, 2009

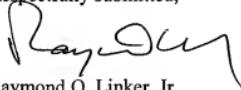
other features of the amended claim 1. The particular combination of characteristics as set forth in the claims is not taught nor made obvious from D1.

This deficiency of D1 can not be overcome by combining this reference with D2. In D2 a medical bandaging material is disclosed (D2, title). This material is made from a microfilament nonwoven fabric showing a unit area weight of more than 30 g/m² and being composed of split-fibers (D2, claim 1 and abstract). Thus, as in D1 the material of D2 is at least distinguished from the claimed spunbond fleece by its higher unit area weight. There is no disclosure in D2 of a spunbond fleece having the low unit area weights combined with the other features of amended claim 1. In our view the claimed spunbond fleece is non-obvious over D2 and over a combination of D1 with D2.

For the reasons noted, we submit that the invention as defined by the claims of record patentably distinguished over the prior art of record. Favorable reconsideration by the Examiner and formal notification of the allowability of all claims are respectfully solicited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Raymond O. Linker, Jr.
Registration No. 26,419

Customer No. 00826

ALSTON & BIRD LLP

Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON December 1, 2009.